



State of South Carolina Office of the Governor

MARK SANFORD
GOVERNOR

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June 11, 2010

The Honorable Robert W. Harrell, Jr.
Speaker of the House of Representatives
Post Office Box 11867
Columbia, South Carolina 29211

Dear Mr. Speaker and Members of the House:

I am hereby vetoing and returning without my approval H. 3746, R. 315, which shortens the filing deadline for independent petition candidates for public office.

We are vetoing this bill not only because it is unconstitutional, but also because it makes the filing process more cumbersome for would-be candidates. Specifically, H. 3746 requires a petition candidate to file with the State Election Commission no later than the party primary date in June in order to enter an election. Currently, these candidates can wait until after the June primary to decide whether to file a petition for office.

Twenty years ago, the Fourth Circuit Court of Appeals invalidated a similar law passed by the South Carolina General Assembly that outlined candidate filing periods unique to independent petition candidates. The court based its decision on the fact that independent candidates generally do not decide to run for office until after the primaries – meaning that requiring the candidates to file prior to the primaries would effectively shut these candidates out of political races. Given that we believe this bill is bad public policy, not to mention the fact that we believe it's unconstitutional, we are compelled to veto H. 3746.

We appreciate that the state has the right to set a deadline to ensure that the Election Commission has adequate time to process candidate filings properly. However, there is no need for the filing plan outlined in H. 3746. We ultimately cannot support a bill that would make the filing process more difficult and, in turn, result in incumbency protection.

For these reasons, I am vetoing and returning without my approval H. 3746, R. 315.

Sincerely,

A handwritten signature in black ink, appearing to be "Mark Sanford".

Mark Sanford